

REMARKS

Claims 17-32 were previously pending in the application. By the Amendment, Claims 17, 26, 30, and 32 are currently amended, Claims 21-25 are canceled without prejudice, and Claims 18-20, 27-29, and 31 remain unchanged. No new matter has been added.

Applicants gratefully acknowledge the Examiner's indication that Claims 25-28 and 30-32 include allowable subject matter. Original independent claim 17 has been rewritten to incorporate the features of allowable original Claim 25. Therefore, independent Claim 17 is allowable. Dependent Claims 18-20 and 26-32 depend from independent Claim 17 and are allowable for the same and other reasons.

Claims 21 and 22 were rejected under 35 USC 112, second paragraph as being indefinite. Claims 21 and 22 have been canceled without prejudice and are no longer in consideration.

The drawings were objected to based on the contention that the elements "adjusting means," "electric drive," and "mechanical drive" as recited in at least one of Claims 21-24 must be shown or the features canceled from the claims. Applicants' cancellation of Claims 21-24 removes the features of those claims. No new matter has been added. Applicants submit that all claim features recited are now referenced in the accepted drawings. Reconsideration is respectfully requested.

Amendments to the specification have been made in order to address the Examiner's comments regarding the preferred layout of the specification of a utility application.

The claims stand rejected under the cited prior art of record. Specifically, Claims 17-20, 22-24, and 29 were rejected under 35 USC §102(a) as being anticipated by US

Patent No. 6,904,840 to Pfeifer et al. ("Pfeifer"). Claims 22-24 have been canceled herein and the rejection of the remaining claims is respectfully traversed.

Independent Claim 17 as now amended recites in part that the coffee machine comprises an actuating means for opening and closing a brewing chamber formed by a brewing chamber upper part and a brewing chamber lower part and "comprising a lever mechanism being actuated by a user to move at least one of the brewing chamber lower part and the brewing chamber upper part." Claim 17 as now amended further recites that the coffee machine comprises "a coffee pad retainer located in a drawer within said brewing chamber and being at least partially encircled, in the closed state of the brewing chamber, by a retaining device being movable in a substantially vertical direction by the lever mechanism between a lowered state and a raised state so that the coffee pad retainer can be lifted with the retaining device and the coffee pad retainer at least partially forms the brewing chamber lower part."

As indicated by the Office Action, the prior art of record (including Pfeifer) does not disclose at least the allowable subject matter of a retaining device for the brewing chamber being movable in a substantially vertical direction by the lever mechanism between a lowered state and a raised state. Particularly, Pfeifer discloses a simple lock and release toggle mechanism, the brewing chamber upper part being moved separately to close the brewing chamber and engage the locking lever. In addition, the lever in Pfeifer does not assist in forming the brewing chamber when raising and lowering the brewing chamber parts.

For this and other reasons, independent Claim 17 is now in condition for allowance. Claims 18-20 and 26-32 depend from Claim 17 and are allowable for the same reasons and also because they recite additional patentable subject matter. Reconsideration and early allowance are respectfully requested.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 17-20 and 26-32 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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